

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LARRY G. PHILPOT,

Plaintiff,

Index No.: 16-cv-1329 (WHP)(BCM)

v.

A&E TELEVISION NETWORK LLC,

Defendants.

**FURTHER DECLARATION OF
RICHARD M. GARBARINI IN
SUPPORT OF MOTION TO
WITHDRAW AS COUNSEL**

I, Richard Garbarini, hereby declare the following under the penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I represent the plaintiff in this matter and I am fully familiar with all facts presented here.
2. This matter was brought before this Court by service of a Complaint on February 21, 2016. Dkt. No. 1.
3. Plaintiff has terminated the services of the undersigned counsel, and has made it explicitly clear that I may no longer represent him in any matter.
4. The original declaration stated “this comes after weeks of a complete breakdown in communication.” This statement was completely accurate. Plaintiff has not returned a phone call from April 5, 2016 through the date of this declaration.
5. After Plaintiff informed counsel of oral surgery, and his inability to attend mediation in another matter, he did not respond to dozens of calls and emails. On the date of the mediation, a single email was received with settlement parameters, which was conveyed to the Court.

6. As for the “proxy”, with great difficulty, counsel was able to hire a proxy in an effort to protect Plaintiff’s interests. Plaintiff was informed of this in several emails. The actions of counsel, are on behalf of the Plaintiff.

7. No charging lien is being asserted.

8. I have read this affidavit and declare the forgoing is true and accurate.

Dated: New York, New York
May 6, 2016

Respectfully submitted,

GARBARINI FITZGERALD P.C.

By: Richard M. Garbarini
Richard M. Garbarini
rgarbarini@garbarinilaw.com
250 Park Avenue, 7th Floor
New York, New York 10177
Phone: 212.300.5358
Fax: 888.265.7054

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I certify that on May 6, 2016, a true and correct copy of the foregoing FURTHER DECLARATION OF RICHARD M. GARBARINI was served on all counsel via this Court's ECF system and on Plaintiff Larry G. Philpot by e-mail to larry@backstage.com and by mailing a true and correct copy to:

Larry G. Philpot
12527 Winding Creek Lane
Indianapolis, IN 46236

Dated: May 6, 2016

GARBARINI FITZGERALD P.C.

By: *Richard M. Garbarini*
Richard Garbarini